RECEIVED ... 1-19-16

| | | |
|---|---|---|
| STATE OF INDIANA | ) | IN TIPPECANOE COUNTY SUPERIOR COURT |
| | ) SS: | |
| COUNTY OF TIPPECANOE | ) | CAUSE NO. 79D01-1601-CT-00002 |

JOEL FERGUSON and
TAMMY FERGUSON,

Plaintiffs,

v.

MENARD, INC. d/b/a MENARDS and
4FRONT ENGINEERED SOLUTIONS, INC.,
DBA 4FRONT ENTREMATIC,
ADBA APS RESOURCE,

Defendants.

**JURY TRIAL REQUESTED**

FILED
JAN 26 2016
Christa Coffey
Clerk Tippecanoe Circuit Court

**AMENDED COMPLAINT**

Come now Plaintiffs, Joel Ferguson (hereinafter "Joel") and Tammy Ferguson (hereinafter "Tammy"), by counsel, and for their Complaint against Defendants, Menard, Inc. doing business as Menards (hereinafter "Menards") and 4Front Engineered Solutions, Inc. doing business as 4Front Entrematic also doing business as APS Resource (hereinafter "APS"), and say:

1. At all times material hereto, Joel and Tammy have been residents of Indianapolis, Marion County, Indiana.

2. At all times material hereto, Menards was an entity operating a business open to the public at 2868 United States Highway 52, West Lafayette, Tippecanoe County, Indiana 47906.

3. At all times material hereto, APS was an entity providing business services to Menards on an ongoing basis.

Exhibit B

4. On January 17, 2014, Joel was injured while operating a dock plate and related mechanisms on the premises of Menards as a business invitee.

5. The dock plate was maintained, installed, operated, and serviced by Menards and/or APS.

6. The aforementioned injuries to Joel resulted from the negligence and/or fault of Menards and/or APS.

7. As a result of the aforementioned negligence, Joel incurred personal injuries, mental anguish, medical expenses, pain and suffering and other costs, expenses, losses and damages recoverable under Indiana law.

8. As a result of the aforementioned negligence, Tammy suffered mental anguish and the loss of services, companionship and consortium of her husband, Joel, and incurred lost wages, costs, medical expenses and other damages recoverable under Indiana law.

WHEREFORE, Plaintiffs, Joel Ferguson and Tammy Ferguson, pray for judgment against Defendants, Menard, Inc. doing business as Menards and 4Front Engineered Solutions, Inc. doing business as 4Front Entrematic also doing business as APS Resource, in an amount which will fully, fairly and reasonably compensate Plaintiffs for all expenses, costs, losses and damages to which they are entitled to recover under Indiana law, for costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

Michael E. Simmons
HUME SMITH GEDDES GREEN & SIMMONS, LLP
Attorney No. 136-49
54 Monument Circle, 4th Floor
Indianapolis, Indiana 46204
Telephone: (317) 632-4402
Facsimile: (317) 632-5595
msimmons@humesmith.com

Robert P. Thomas
THOMAS & NUGENT
Attorney No. 839-49
7800 Shelby Street, Suite 7
Indianapolis, Indiana 46227
Telephone: (317) 882-5665
Facsimile: (317) 882-0183
robthomas@tstnlaw.com

Attorneys for Plaintiffs